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C O N F I D E N T I A L SECTION 01 OF 02 PRETORIA 000150

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SUBJECT: ZIMBABWEAN GOVERNMENT ATTEMPTS TO REVOKE PUBLISHER
TREVOR NCUBE'S CITIZENSHIP

Classified By: Acting Deputy Chief of Mission Perry Ball. Reasons 1.4(d).

11. (C) SUMMARY. The Government of Zimbabwe is attempting to revoke the citizenship of well-known publisher Trevor Ncube. In blatant violation of international and Zimbabwean law, the GOZ claims that Ncube is no longer a Zimbabwean citizen because his father was born in Zambia. Ncube is challenging the decision in court and expects he will ultimately prevail. Ncube believes that elements of the GOZ security forces are behind what he called an attempt to intimidate him, to undermine his credibility, and to possibly close his Zimbabwean newspapers, two of the three independent publications remaining in the country. However, Ncube added that the GOZ is not acting in a concerted manner toward him and that he has received the support of a number of senior GOZ leaders including the Attorney General. END SUMMARY.

12. (SBU) Speaking at his Johannesburg home on January 11, prominent publisher Trevor Ncube described to PolOff the Government of Zimbabwe's attempt to revoke his Zimbabwean citizenship. Owner of the South African newspaper the Mail & Guardian, as well as two of the remaining three independent newspapers in Zimbabwe, the Zimbabwe Independent and The Standard, Ncube is an outspoken critic of the Mugabe regime.

"No Longer a Zimbabwean"

13. (SBU) Ncube explained that when he went to the Zimbabwean Citizenship Office in Harare to renew his passport in October 2006 (because the pages in the current one were full), the Government official told him that his Zimbabwean citizenship had "expired." The official cited a 2002 law, which says that Zimbabwean citizens cannot be -- or even have the right to be -- citizens of more than one country. (NOTE: the 2002 amendment to the Citizenship Act was designed to disenfranchise thousands of white Zimbabweans who held British passports, as well as hundreds of thousands of commercial farmworkers whose parents or grandparents originally came from Zambia, Malawi or Mozambique. Both groups were perceived to be supporters of the opposition Movement for Democratic Change (MDC). END NOTE.) Because Ncube's father was born in Zambia, he had a theoretical right to Zambian citizenship. Ncube emphasized that he was born in Zimbabwe, has held only Zimbabwean citizenship, and has only traveled to Zambia briefly three times for business and holiday.

14. (SBU) In response to the Citizenship Office request, Ncube went to the Zambian Embassy in Harare where he renounced his right to Zambian citizenship, then applied again to renew his passport. The official told him that since his citizenship had "expired," he would have to apply to the Registrar General Tobaiwa Mudede to "restore" it. Ncube wrote to Mudede, only to receive a two-line fax at his Cape Town office in early December informing him that he was "no longer a Zimbabwean citizen" and thus should surrender his passport.

15. (C) Ncube has challenged the decision in the Zimbabwean courts. Ncube's lawyers assure him that the law is on his side, and even the politically-tainted Zimbabwean courts will ultimately have to rule in his favor. The case, however, will likely take some time. In the meantime, Ncube has no more empty pages in his passport and will have difficulty traveling internationally.

2005 Passport Seizure

16. (SBU) The revocation of Ncube's citizenship follows the December 2005 seizure of Ncube's passport at the Bulawayo airport. At that time, Zimbabwean security agents told Ncube he was on a list of 16 prominent Zimbabwean journalists and human rights activists who were not allowed to travel in the country. Ncube challenged the seizure in court, which ultimately ordered the security officials to return his passport and allow Ncube to return to South Africa.

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Motive to Intimidate and Discredit

17. (C) Ncube believes that the Zimbabwean Government is using these tactics to try to intimidate him, hoping that he will tone down his criticisms of the regime. In the latest incident to revoke his citizenship, Ncube believes the Registrar General is acting on behalf of the Central Intelligence Organization (CIO). In addition to the psychological intimidation, the citizenship allegations may also undermine Ncube's credibility, allowing the GOZ to claim that "Ncube's not really Zimbabwean" so therefore his criticisms of the regime are not valid. Ncube said that in rumor-filled Zimbabwe, this charge will resonate with some of the population.

18. (C) Assigning motives to the Government of Zimbabwe is increasingly difficult, Ncube stressed. Decision-making is disorganized and uncoordinated, reflecting the splits within the ruling party and the disintegration of the Zimbabwean regime. In his case, a number of senior GOZ leaders have told Ncube that the Registrar General is wrong. The Attorney General himself urged Ncube to file suit against the Government.

Attempt to Shut Down Newspapers?

19. (C) Ncube suggested that some in the GOZ want to revoke his citizenship as a way to close his two Zimbabwean newspapers, the Zimbabwe Independent and Standard. Under Zimbabwean law, a non-Zimbabwean cannot own more than 40 percent of a media company. Thus, if Ncube's citizenship is successfully revoked, Ncube would have to sell 60 percent of the papers or close them. Ncube told PolOff that the problem with selling the newspapers is that only ZANU-PF insiders would have the money for the purchase, and he would never sell to them. Ncube said he was pleased and surprised that the state-appointed Media and Information Commission (MIC) denied that they had any intention to close his newspapers.

He believes the MIC statement reflects the feeling among many in ZANU-PF, including Reserve Bank Governor Gideon Gono, that closing the newspapers would be a mistake because of the negative international publicity.

Comment

¶10. (C) Since the GOZ's closing of the Daily News in 2002 and its expulsion of a number of prominent journalists as "enemies of the state," Ncube's weekly Zimbabwe Independent and Sunday Standard have been important beacons of government opposition. Although circulation is only about 25,000, the papers' influence is much greater. The newspapers are far more professional than their government-controlled rivals and are widely read by Zimbabwe's economic and political elite, including government ZANU-PF officials.

¶11. (C) While the judicial system is susceptible to governmental pressures, judges still on occasion render anti-government decisions, particularly where the law is clear. The courts may very well conclude that Ncube is in fact a Zimbabwean citizen. And even if they rule to the contrary, the Access to Information and Privacy Act (AIPPA), which excludes non-citizens from mass media ownership, provides a "grandfather" exception for individuals with ownership interests as of January 2002. This exception appears to provide a clear basis for the courts to rule in Ncube's favor with respect to his ownership of the papers -- should the issue get that far. In the final analysis, it may well be that the Registrar's actions are yet another instance of petty government harassment, rather than a full-blown attempt to close down the papers.

¶12. (U) This cable was drafted in coordination with Embassy Harare.
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